



Transcript for the June 25th, 2010 Webchat

Is your spouse a U.S. citizen and do you have questions regarding immigration?

Lizzie 2: (6/25/2010 10:19) Would it be legal for my UK fiance to travel into the US as a tourist, stay for only a matter of weeks, marry, and return to the UK – applying for the immigration visa upon his return? And also and perhaps more importantly would this bias an immigration application against me (because it looked dishonest)?

U.S. Embassy London: (6/25/2010 10:19) Yes--this is legal so long as you do plan to return to the UK and apply for the appropriate immigration visa at that time. You should bring evidence of your intent to return to the UK with you when you travel to the US.

Mike Landry: (10:20) I posted some questions on the 'comments' section of the webpage yesterday, but I'll ask again here. I am a Us citizen and will be getting married to a Spanish citizen in Sept. I have three questions. 1. As it is not customary to change the wife's surname in Spain when married, her ID documents will have her original surname. As we plan to move to the US, we would like her to take my surname for all US related documentation. Will this cause problems when applying for the immigrant visa or will the marriage certificate be enough to justify the change in surname? 2. As far as translating documents is concerned, does the translator have to be certified in the US/UK and get the translation notarized a US/UK notary public or can this be done by a Spanish certified translator and Spanish notarization? 3. Should documents from Spain (i.e. Birth cert., marriage cert.) have an accompanying apostille for purposes of applying for the visa? Thanks!

U.S. Embassy London: (10:20) You do not have to change your surname when you marry if you do not wish to do so. This will not affect the US immigrant visa process. You will be required to submit certified translations of any documents in a foreign language. More information will be sent to you once your approved I-130 petition is received by the Immigrant Visa Unit.



K1Benif: (10:22) I had my visa (K1) interview at the US Embassy, London recently. While at the 'first window' I was advised that there was 1 part of our documentation that they couldn't find (I had everything in duplicate with me) which I submitted there and then. I later arrived at the 'second window' and was asked a few questions, had my passport and x-rays returned and told that 'they had a few more checks to do on my case' and I would hear 'in about a week'. The week that I was advised of has now elapsed and I've not received any contact regarding my case. I had hoped to be with my fiancée next month... Given the current situation: Can I still travel to see her (a MAXIMUM of 3 weeks), and is it advisable? (as wouldn't want to jeopardize my case or delay it further) If yes, then what effect (if any) would this have on our case?

U.S. Embassy London: (10:22) If your fiance visa is pending, we would not recommend that you attempt to travel to the United States on the Visa Waiver Program. However, the decision about whether or not to admit you to the US on the VWP is made by the officers at the port of entry from the US Bureau of Customs and Border Protection.

joe: (10:26) My wife is here on a spousal visa and we are about to send in our notice of readiness for the interview. I have won a trip to Asia leaving in September and we have decided to leave the UK then and travel to Aus, NZ for 5/6 months hopefully with my immigrant visa and enter the stated together. Should I contact the embassy and explain our intentions before then interview or wait until then? I am worried about the length of time away in terms of Police records, Medical and I-864

U.S. Embassy London: (10:26) You should contact the Immigrant Visa Unit regarding this matter. Some forms are only valid for a certain amount of time (i.e. the medical) and the Immigrant Visa itself once issued is valid only for 6 months, the holder must enter the US within that period of time.

Mike Landry: (10:27) Regarding the translation of documents, is there any way to receive more information in advance? we would like to prepare our documentation in advance to avoid delays.

U.S. Embassy London: (10:27) Your documents must be translated by a certified translator. Detailed information regarding the immigrant visa process can be found on the Embassy's website at <http://london.usembassy.gov>



JJohnson: (10:28) You said we should bring "evidence of your intent to return to the UK" would a return flight be enough evidence or are there additional things that might be helpful like letters from people or similar?

U.S. Embassy London: (10:28) You will need to prove to the satisfaction of CBP that you plan to return to the UK. This decision will be up to the CBP officer. You should bring whatever documentation you feel supports your case.

(question via email): (10:31) I have a questions about Police certificates. Do we need to a police certificate from every country that my wife has lived in? 30 years she live in Papua New Guinea for a couple of years and we are concerned about the difficulty in obtaining one from them in a timely manor.

U.S. Embassy London: (10:33) You will need to submit a police certificate from every country where the applicant has lived since the age of 16 for a year or more. You can find a link on our website to the reciprocity schedule set by the Dept of State. This schedule outlines which countries are able to issue police certificates and which are not.

uknobby: (10:34) I am a UK citizen my fiancée is US citizen we have a UCSIS approved I-129f I have had my medical and returned my forms to the immigration visa unit on 21st June, how long will I have to wait roughly till my interview? Also I read somewhere that I need to bring my son's birth certificate with me to my interview even though he is not travelling with me is this correct?

U.S. Embassy London: (10:34) You can expect to hear from the Immigrant Visa Unit within approximately 4-6 weeks of them receiving your forms. They will provide instructions when you are scheduled for your interview as to what you should bring at that time.

JJohnson: (10:36) And just for clarity, if we did fly into the US on the VWP, get married, and return to the UK applying for a full immigration visa once back in the UK - that would not be seen as a "negative."

U.S. Embassy London: (10:36) Again, we cannot comment upon whether or not you will be found eligible for VWP entry by CBP. It is immaterial for your immigrant visa where you were married so long as your marriage is legal and valid.



(question via email) (10:37) I have a current green card however due to serious illness I returned from the US to the UK in 2004. I wish to travel back to see these people before my operation next year for fear I may not survive but I am worried that having not returned for such a long time I would be barred.

U.S. Embassy London: (10:38) If you have been outside of the United States for a period of longer than one year you are considered to be out of status and your Legal Permanent Resident card ("green card") is no longer valid. If you wish to return to the United States to take up residence there you must have someone file a new I-130 petition for you.

(question via email) (10:40) I am an American citizen marrying a UK citizen in August 2010 and applying for visas the next day. Can my wife then travel on the visa waiver programme, maintaining the 90 day limit until the visa is approved? My partner has two kids who we will apply for visas for at the same time, although they intend to remain in the UK for a period of one to two years to finish education. Is there a time limit after the visa is approved for them to physically move to the US? Would it be better for us to get a Fiancee visa in now and update it once we are married?

U.S. Embassy London: (10:40) your wife is not permitted to travel to the United States visa free under the Visa Waiver Program with the intention of residing in the United States on a permanent basis. She will be required to apply for the appropriate fiance (K-1) or immigrant (IR-1) visa. Please refer to the Embassy website for further information, at: http://www.usembassy.org.uk/cons_new/visa/iv/spouse.html

Mike Landry: (10:41) Can the petitioner attend the interview with his/her spouse?

U.S. Embassy London: (10:41) Yes. However, the spouse must contact our Live Operator Service (tel 09042 450 100, calls are charged at £1.20 per minute) to let them know they wish to attend and provide their details.

joe: (10:43) Can you request that an approved immigrant visa be valid from a later date at the interview or is it always 6 months from then to enter?

U.S. Embassy London: (10:43) An immigrant visa is valid for six months from the date it is issued. You should request an interview date that corresponds to approximately 6 months prior to the date you plan to travel to the United States.

U.S. Embassy London: (10:46) You may have noticed that the Embassy has just launched a new version of our website. We are aware that due to this change, some of the links on the page are broken, and we are working to restore them. If you experience



a problem with the website, please try back in a day or two and everything should have been updated by that point. Thanks!

K1Benif: (10:47) I mentioned earlier about 'additional checks' on my application, and the timescale of 1 week for a response. As this has now elapsed, how long should I expect to wait (based on an 'average' case)?

U.S. Embassy London: (10:47) If you were told at the time of your interview that additional administrative processing or review is needed on your case, it is impossible to give a timeline for this. Every case is different. Please be patient and you will be notified by the Immigrant Visa Unit when they are ready to resume processing on your applicaiton.

Lizzie 2: (10:49) If my fiance was to enter the US for the purpose of getting married and then returning to the UK, should he make that purpose clear to customs?

U.S. Embassy London: (10:49) Yes. You should explain the purpose of your trip to the immigration officer at the US port of entry. You could be found guilty of misrepresentation if you do not state your true intentions for your trip to the United States.

U.S. Embassy London: (10:51) Many of you have asked where you can find the status of your pending waiver applications. There is a link on the Embassy's webpage to the USCIS office which processes waivers and you can check the status of your waiver on this page. The link is <http://london.usembassy.gov/dhs/uscis/ivwaiver.html>

U.S. Embassy London: (10:52) If you are applying for an immigrant, fiancée or K-3 or 4 visa at the Embassy, the medical examination must take place before the visa interview. If you arrive at the Embassy without having attended a medical examination, your interview will be cancelled and you will be required to schedule for a later date. You should allow approximately 5 workdays between the medical examination and visa interview. Provided you have attended the examination, we will conduct the visa interview, even if we have not received the results of the medical examination. In such cases, action your application will be suspended until the results are received.

U.S. Embassy London: (10:57) For information about who is eligible to file an I-130 locally here in London, please vist the USCIS portion of the Embassy's website at <http://london.usembassy.gov/dhs/uscis/i130filing.html>.

U.S. Embassy London: (10:57) The USCIS London Field Office has jurisdiction for adjudicating I-130 and I-360 petitions from U.S. citizens who have permission to reside AND who do principally reside in the United Kingdom.



U.S. Embassy London: (10:58) Thanks for all your questions, and please remember to visit our Visa Blog at <http://www.usembassy.org.uk/visaservices/> as frequently asked questions are often covered there. See you next month for another webchat. The topic will be announced in the coming weeks on the webchat portion of the Embassy's website. Thanks!

The webchat ended at 12:00 BST